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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,398	02/12/2002	David K. Mesecher	I-2-0111.1US	6229

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UNITED PLAZA, SUITE 1600  
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PHILADELPHIA, PA 19103

EXAMINER

PHU, PHUONG M

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/074,398

Applicant(s)

MESECHER, DAVID K.

Examiner

Phuong Phu

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1,4</u> . | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Drawings***

1. Figure 13 does not show a graphs of impulse response 136 and impulse response 106, as stated on lines 17-21, page 13 of the specification.

### ***Specification***

2. Lines 17-26, page 13 of the specification and figure 15 show graphs of impulse response 136, 106 and 100. It is unclear how a formulation or calculation or measurement for obtaining an impulse response is made with respect to an impulse signal as an input so that the results of these graph of impulse response are obtained.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites the limitation “means for receiving and analyzing an impulse response of multipath components of a second spread spectrum signal having a second code” on lines 3 and

4. The specification does not disclose how a formulation or calculation or measurement for obtaining an impulse response is made with respect to an impulse signal as an input so that the

“impulse response of multipath components of a second spread spectrum signal having a second code” is obtained for analyzing, as recited in the claim.

Similarly, Claim 5 recites the limitation “means for receiving, using the plurality of antennas, and analyzing an impulse response of multipath components of a second spread spectrum having a second code” on lines 4 and 5. The specification does not disclose how a formulation or calculation or measurement for obtaining an impulse response is made with respect to an impulse signal as an input so that the “impulse response of multipath components of a second spread spectrum signal having a second code” is obtained for analyzing, as recited in the claim.

Claims depended on above claims are therefore also rejected.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation “a first received component , the second signal” on lines 3 and 4. It is unclear that “the second signal” in the limitation is referred to “a first received component” (in the limitation) or “a second spread spectrum signal” (on line 3). It appears that the limitation should be changed to “a first received component of the second spread spectrum signal”. Similarly, it appears that the limitation “the received second signal” should be changed to “the received second spread spectrum signal” and the limitation “the determined first received

component for that base station's received second signal" changed to "the determined first received component of that base station's received second spread spectrum signal".

Similar to claim 1, in claim 5, the limitation "a first received component, the second signal" on line 6 is suggested to be changed to "a first received component of the second spread spectrum signal", the limitation "the received second signal" on lines 9 and 14 to be changed to "the received second spread spectrum signal", and the limitation "the determined first received component for that base station's received second signal" on lines 10 and 11 to be changed to "the determined first received component of that base station's received spread spectrum second signal".

Claim 1 recites the limitation "the base station's transmitted first signal" on lines 7 and 8. It is unclear that "first signal" in the limitation is referred to "a first spread spectrum signal" (on line 2). It appears that the limitation should be changed to "the base station's transmitted first spread spectrum signal".

Similar to claim 1, in claim 5, the limitation "the base station's transmitted first signal" is suggested to be changed to "the base station's transmitted first spread spectrum signal".

Claims depended on above claims are therefore also rejected.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References Schuchman et al (6,148,195), Bi et al (6,163,696), Engelbrecht et al (6,148,219) and Bruckert et al (6,226,317) are cited because they are pertinent to location determinations.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 703-308-0158. The examiner can normally be reached on M-F (8:30-6:00) First Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Phuong Phu  
Primary Examiner  
Art Unit 2631

*Phuong Phu*

Phuong Phu  
August 5, 2003

**PHOUNG PHU  
PRIMARY EXAMINER**